

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of: Sacker, Stephen M.

Law Office: 101

Serial No.: 75/835,499

Trademark Attorney: Barbara A. Loughran

Filed: November 18, 1999

Trademark: eMD

BOX TTAB

NO FEE

Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

**2<sup>nd</sup> REQUEST FOR EXTENSION OF TIME FOR FILING  
APPLICANT-APPELLANT'S BRIEF**

Madam:

It is respectfully requested that the time now set for filing applicant-appellant's brief, **January 28, 2003**, be extended an additional sixty days, so that it will be due **March 31, 2003**, if at all. This request is made for the purpose of delay.

Applicant-appellant has obtained the trademark rights from the Bankruptcy Court for the eMD mark used previously for similar goods and services, has discussed the prior use of the mark with the prior owners, and has gathered some documentation supporting the use, but is still in the process of gathering all of the documentation to support those rights.

Applicant-appellant has also contacted McGraw Hill regarding obtaining a statement from McGraw Hill supporting our assertions that there is no likelihood of confusion between McGraw Hill's Internet magazine and Applicant-appellant's Internet medical reference database and equipment. Discussions regarding this statement are taking longer than previously anticipated.

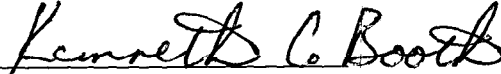
Applicant-appellant apologizes for the unexpected amount of time it has taken to gather the information necessary to support our claim of trademark rights and the McGraw Hill statement.

Applicant-appellant therefore makes this request for an extension of time in which to file its brief. If the 60 day extension is nonetheless denied, applicant respectfully requests that the time to file its brief at least be reset for a brief period to afford time to prepare and file its brief.

Respectfully submitted,

Applicant-Appellant

Date: January 28, 2003

By   
Kenneth C. Booth  
Reg. No. 42,342  
18 E. University Drive, #101  
Mesa, AZ 85201  
480-655-0073

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: eMD

Applicant: Stephen M. Sacker

Serial No.: 75/835,499

Assistant Commissioner for Trademarks

Box TTAB/ No Fee

2900 Crystal Drive

Arlington, Virginia 22202-3513

01-28-2003

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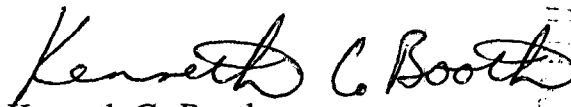
Dear Sir:

The undersigned, on behalf of applicant, submits herewith the following:

- 1) Postcard; and
- 2) 2<sup>nd</sup> Request for Extension of Time for Filing Applicant-Appellant Brief.

No fee is due with this request.

Respectfully submitted,



Kenneth C. Booth

Reg. No. 42,342

Date: January 28, 2003

Schmeiser, Olsen & Watts LLP

18 East University Drive, #101

Mesa, Arizona 85201

(480) 655-0073

I HEREBY CERTIFY THAT THE CORRESPONDENCE TO WHICH THIS STATEMENT IS AFFIXED IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE, POSTAGE PAID AS EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS AND TRADEMARKS, BOX TTAB/ NO FEE, 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513.

ON: January 28, 2003

SIGNATURE: 

Heather Clark